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Torture in police custody continues to plague India's justice system

1. Context: A Shocking Report on Police Torture

- On **March 26**, **Common Cause** and the **Lokniti Programme of CSDS** released a comprehensive report exposing the **systemic nature of police torture** in India.
- Based on **interactions with 8,276 police personnel** across **17 states and union territories**, the report provides a rare, inside look into the beliefs, practices, and challenges within the Indian police force.
- It highlights both **deep-rooted issues** and **emerging signs of reform-mindedness**.

2. Definition of Torture and India's Legal Stand

- The **UN Convention Against Torture (UNCAT, 1984)** defines torture as the **intentional infliction of severe physical or mental pain** by public officials or with their approval.
- India **signed the UNCAT in 1997** but has **not ratified** it, meaning it is not legally bound to implement its provisions.
- This non-ratification raises **serious questions about India's commitment** to preventing custodial torture and human rights abuse.

3. Endorsement of Violence by Police Personnel

- Alarming, **55% of police respondents** believe in using **"tough methods"** to instill fear in the public.
- In emotionally charged cases like **child lifting or sexual harassment**, **1 in 4 police personnel** even support **mob violence**.
- About **22% believe in extra-judicial killings** of dangerous criminals rather than allowing them to go through legal proceedings.
- These attitudes reflect a **dangerous drift away from due process and constitutional values**.

4. Contradictions in Legal Procedures and Practice

- Though **74% agree** on the importance of following legal procedure, only **41% claim arrest protocols are always followed**.
- **24% openly admit** to rarely or never following legal arrest procedures.



- **Kerala** emerges as a model state with **94% adherence to procedures**, showing that better compliance is achievable.

5. Use of Third-Degree Torture and Discrimination

- **30% of police personnel** justify **third-degree methods for serious crimes**; **9% support them even for petty crimes**.
- Victims are **disproportionately from marginalized communities** such as:
 1. Dalits
 2. Adivasis
 3. Muslims
 4. Illiterate persons
 5. Urban poor and slum dwellers
- This reflects **deep structural biases** and **socio-economic inequality in law enforcement**.

6. Custodial Deaths and Lack of Accountability

- The report reveals **inconsistencies in custodial death data**:
 1. **NCRB (2020)**: 76 deaths
 2. **NHRC**: 70 deaths
 3. **NCAT**: 111 deaths
- Notably, **zero convictions were recorded between 2018–2022**, revealing a **severe lack of legal consequences** for police violence.

7. Positive Signs: Support for Reform

- Despite the negatives, there are **hopeful indicators**:
 - **79% support human rights training**
 - **71% back anti-torture training**
 - A similar number support **evidence-based interrogation techniques**
- These findings suggest that many within the force are **open to reform** if appropriate training and leadership are provided.

8. Issues with Legal Confessions and Judiciary



- The current legal system does **not accept confessions made to police** as admissible in court.
- Proposals to make police confessions legally admissible (Malimath Committee, Law Commission) include **safeguards** to prevent misuse.
- The **judiciary's passive role** during custody reviews and the lack of **forensically trained doctors** for medical examination **undermines the justice process**.

9. Blame is Shared: A Failing Ecosystem

- The issue is not confined to the police—it's a **multi-actor failure**:
 - **Magistrates** often fail to conduct proper oversight.
 - **Doctors** are poorly trained in forensics and medical assessment of torture injuries.
 - The **NHRC's broad and vague definitions**, along with a perceived **bias in favor of state agencies**, weaken accountability mechanisms.

10. Root Causes Behind Police Torture

- The report identifies practices but does not go deep into **structural causes**, which include:
 - **Colonial legacy** of repressive policing
 - **Lack of police accountability and oversight**
 - **Political pressure** from ruling governments and senior officials
 - **Public demand for instant justice**, leading to endorsement of extra-legal tactics
 - **Poor legal system efficiency**, encouraging shortcuts and informal practices

11. International Comparisons

- Custodial torture is a **global issue**, not unique to India.
 - The US has been criticized for **Guantanamo Bay** and **police brutality**.
 - **Russia, China, and Pakistan** have also been under scrutiny for widespread custodial abuse.
- However, **global misconduct cannot justify** India's domestic failures in upholding constitutional rights.

12. The Way Forward: Systemic Reforms Needed



- **India must ratify UNCAT** and pass a **comprehensive anti-torture law** to provide legal clarity and accountability.
- The **Supreme Court's directive** on insulating police from political interference must be implemented.
- Reforms must include:
 - Institutional **training on human rights and forensic practices**
 - Independent **oversight mechanisms**
 - **Civil society involvement** in monitoring custody and police behavior
 - Strengthening **legal aid and victim support**

13. Conclusion: Beyond Tokenism

- A *rights-respecting, professional police force* is essential for a democratic society.
- Reforms must go beyond cosmetic changes and address the **deep-rooted structural and cultural issues** in Indian policing.
- Real change requires **political will, legal reform, public awareness, and systemic transformation** to restore *public trust* and uphold *constitutional values*.

Source: <https://indianexpress.com/article/opinion/columns/torture-police-custody-plague-india-justice-system-9922120/>